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COMMISSION ON THE STATUS OF WOMEN
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Item 4 of the provisional agenda*

MONITORING THE IMPLEMENTATION OF THE NAIROBI FORWARD-LOOKING STRATEGIES FOR THE ADVANCEMENT OF WOMEN

Elimination of violence against women

Report of the Secretary-General

A Working Group on Violence against Women was convened in accordance with Economic and Social Council resolution 1992/18 of 30 July 1992 entitled "Violence against women in all its forms". In that resolution, the Council decided to convene an intersessional working group of the Commission on the Status of Women to further develop a draft declaration on the elimination of violence against women (see the annex to the present report). The Working Group would report to the Commission, at its thirty-seventh session, with a view to recommending the draft declaration to the General Assembly for adoption, through the Economic and Social Council.

*E/CN.6/1993/1.

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Annex I

REPORT OF THE WORKING GROUP ON VIOLENCE AGAINST WOMEN HELD AT VIENNA, 31 AUGUST-4 SEPTEMBER 1992

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INTRODUCTION

1. The Working Group on Violence against Women was convened in accordance with Economic and Social Council resolution 1992/18 of 30 July 1992 entitled "Violence against women in all its forms". In that resolution, the Council decided to convene an intersessional working group of the Commission on the Status of Women to further develop a draft declaration on violence against women (see appendix I). The Working Group would report to the Commission, at its thirty-seventh session, with a view to recommending the draft declaration to the General Assembly for adoption, through the Economic and Social Council.

2. The Working Group was opened by the Director-General of the United Nations Office at Vienna. In his introductory statement he said that, as a first step, the Working Group would be called upon to define violence against women. He emphasized the need to clearly define the role of the State in addressing that issue.

3. The Director of the Division for the Advancement of Women, in an introductory statement, emphasized the need for a clear definition of violence against women, as well as for identifying measures to address the factors conducive to such violence and to the victimization of women, which could, in large measure, be attributed to their inferior status in society.

4. The Officer-in-Charge of the Crime Prevention and Criminal Justice Branch at the United Nations Office at Vienna also made an introductory statement in which he emphasized the long-term commitment of the programme of crime prevention to the elimination of violence against women. He described the work of the Branch relating to domestic violence.

Officers of the Working Group

5. At its 1st meeting, on 31 August 1992, the Working Group decided that the same officers elected to the thirty-sixth session of the Commission on the Status of Women should be elected officers of the Working Group. The following officers were elected by acclamation:

Chairperson: Mervat Tallawy (Egypt)

Vice-Chairperson: Joke Swiebel (Netherlands)

Rapporteur: Ireneusz Matela (Poland)

6. Two Vice-Chairpersons of the Commission on the Status of Women did not attend the Working Group. Therefore, at its 3rd meeting, on 1 September 1992, the Working Group elected, by acclamation, the following officers:

Vice-Chairpersons: Margaret Alva (India)
Julián Ventura Valero (Mexico)

Attendance

7. The Working Group was attended by representatives of 30 States members of the Commission on the Status of Women. Observers for other States Members of the United Nations also attended, as well as representatives of organizations of the United Nations system and observers for non-governmental and other organizations. A list of participants is contained in appendix II.

Adoption of the agenda and other organizational matters

8. At its 1st meeting, on 31 August 1992, the Working Group adopted the provisional agenda contained in document E/CN.6/WG.2/1992/1, as follows:

1. Election of officers.

2. Adoption of the agenda and other organizational matters.

3. Preparation of a draft declaration on violence against women.

4. Adoption of the report of the Working Group.

Documentation

9. The Working Group had before it the following documents:

(a) Report of the Committee on the Elimination of Discrimination against Women on its eleventh session (A/47/38);

(b) Report of the Secretary-General on violence against women in all its forms (E/CN.6/1992/4);

(c) Report of the Commission on the Status of Women on its thirty-sixth session (E/CN.6/1992/13-E/1992/24).

I. PREPARATION OF A DRAFT DECLARATION ON VIOLENCE AGAINST WOMEN

10. The Working Group considered item 3 of its agenda at its 1st, 2nd and 4th to 6th meetings, on 31 August and 1-3 September 1992.

11. At its 1st meeting, on 31 August 1992, statements were made by the representatives of Canada, Mexico, Spain, India, Brazil, China, Peru, Venezuela, United States of America and Poland. The Chairperson of the Working Group also made a statement.

12. At its 2nd meeting, on 31 August 1992, statements were made by the representatives of Bulgaria, Netherlands, Japan and Canada. At the same meeting, the substantive work on the text of the draft Declaration was divided between two informal working groups.

13. At its 4th meeting, on 2 September 1992, statements were made by the representatives of the United States, India, Mexico, Canada, Spain, Brazil, Netherlands, Peru, Colombia, Philippines, Bulgaria, Venezuela, Chile, Nigeria and Italy. The observers for New Zealand, Australia, Portugal and Sweden also made statements. The representatives of the International Labour Organisation (ILO) and the World Health Organization (WHO) made statements.

14. At its 5th meeting, on 3 September 1992, statements were made by the representatives of France, Mexico, Egypt, United States, India, Canada, Austria, Netherlands, Venezuela, China, Brazil, Philippines, Chile and Spain. The observers for Sweden, Portugal, New Zealand and Australia also made statements. The representatives of ILO and WHO also made statements. The observers for the Disabled People's International made a statement.

15. At its 6th meeting, on 3 September 1992, statements were made by the representatives of Canada, Bulgaria, Spain, France, Mexico, Brazil, Netherlands, United States, India, Chile, Nigeria, Philippines and Austria. The observers for Australia, Sweden and New Zealand also made statements. The representative of WHO made a statement. The observer for the African National Congress also made a statement.

II. ADOPTION OF THE REPORT OF THE WORKING GROUP

16. At its 7th meeting, on 4 September 1992, the Working Group considered item 4 of its agenda entitled "Adoption of the report of the Working Group".

17. At the same meeting, the Rapporteur of the Working Group introduced the draft report. Statements were made by the representatives of Canada, Brazil, France, China, United States, Nigeria, India, Netherlands, Spain, Bulgaria, Mexico, Austria, Venezuela, Sudan and Philippines. The observers for Australia, New Zealand and Sweden also made statements.

18. Also at the 7th meeting, the Working Group adopted its report, as orally amended.

19. After the adoption of the report, at the same meeting, the representative of the Sudan announced that he wished to reserve the position of his Government on the châpeau of article 4 of the draft declaration.

20. Also after the adoption of the report, at the same meeting, the representative of the Netherlands suggested that the draft declaration on the elimination of violence against women should be recommended for approval to the Commission on the Status of Women at its thirty-seventh session, with a view to its adoption by the General Assembly at its forty-eighth session. Such timing was particularly important, she emphasized, as the draft declaration would be a useful contribution to the work of upcoming major international events, such as the World Conference on Human Rights, International Year of the Family (1994), International Conference on Population and Development, Fourth World Conference on Women: Action for Equality, Development and Peace and Ninth Congress on the Prevention of Crime and the Treatment of Offenders.

Appendix I

DRAFT DECLARATION ON THE ELIMINATION OF VIOLENCE AGAINST WOMEN

The General Assembly,

Recognizing the urgent need for the universal application to women of the rights and principles with regard to equality, security, liberty, integrity and dignity of all human persons,

Noting that these rights and principles are enshrined in international instruments, including, inter alia, the Universal Declaration of Human Rights, a/ International Covenant on Civil and Political Rights, b/ International Covenant on Economic, Social and Cultural Rights, b/ Convention on the Elimination of All Forms of Discrimination against Women, c/ and Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, d/

Recognizing that the effective implementation of the Convention on the Elimination of All Forms of Discrimination against Women would contribute to the elimination of violence against women and that the present Declaration will strengthen and complement that process,

Concerned that violence against women is an obstacle to the achievement of equality, development and peace, as recognized in the Nairobi Forward-looking Strategies for the Advancement of Women, e/ which recommend a set of measures to combat violence against women, and to the full implementation of the Convention on the Elimination of All Forms of Discrimination against Women,

Affirming that violence against women both violates and impairs or nullifies the enjoyment by women of human rights and fundamental freedoms, and concerned about the long-standing failure to protect and promote these rights and freedoms in relation to violence against women,

Recognizing that violence against women is a manifestation of historically unequal power relations between men and women, which have led to domination over and discrimination against women by men and to the prevention of their full advancement, and that violence against women is one of the crucial social mechanisms by which women are forced into a subordinate position compared to men,

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a/ General Assembly resolution 217 A (III) of 10 December 1948.

b/ General Assembly resolution 2200 A (XXI), annex, of 16 December 1966.

c/ General Assembly resolution 34/180, annex, of 18 December 1979.

d/ General Assembly resolution 39/46, annex, of 10 December 1984.

e/ Report of the World Conference to Review and Appraise the Achievements of the United Nations Decade for Women: Equality, Development and Peace, Nairobi, Kenya, 15-26 July 1985 (United Nations publication, Sales No. E.85.IV.10), chap. I, sect. A.

Concerned that some groups of women, such as women belonging to minority groups, indigenous women, refugee women, migrant women, women living in rural or remote communities, destitute women, women in institutions or in detention, female children, women with disabilities, elderly women and women in situations of armed conflict, are especially vulnerable to violence,

Recalling Economic and Social Council resolution 1990/15 of 24 May 1990, the annex to which, inter alia, recognizes that violence against women in the family and society is pervasive and cuts across lines of income, class and culture, and must be matched by urgent and effective steps to eliminate its incidence,

Recalling further Economic and Social Council resolution 1991/18 of 30 May 1991, which, inter alia, recommends the development of a framework for an international instrument that would address explicitly the issue of violence against women,

Welcoming the role that women's movements have played in drawing increasing attention to the nature, severity and magnitude of the problem of violence against women,

Alarmed that women's opportunities to achieve legal, social, political and economic equality in society are limited, inter alia, by continuing and endemic violence,

Convinced that in the light of the above there is a need for: (a) a clear and comprehensive definition of violence against women; (b) a clear statement of the rights to be applied to ensure the elimination of violence against women in all its forms; (c) a commitment by States in respect of their responsibilities; and (d) a commitment by the international community at large towards the elimination of violence against women,

Solemnly proclaims the following Declaration and urges that all efforts be made so that it becomes generally known and respected.

Article 1

For the purposes of this Declaration, the term "violence against women" means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life.

Article 2

Violence against women shall be understood to encompass, but not be limited to, the following:

(a) Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation;

(b) Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and

intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution;

(c) Physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs.

Article 3

Women are entitled to the equal enjoyment and protection of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. These rights include inter alia:

(a) The right to life; f/

(b) The right to equality; g/

(c) The right to liberty and security of person; h/

(d) The right to equal protection under the law; i/

(e) The right to be free from all forms of discrimination; i/

(f) The right to the highest standard attainable of physical and mental health; j/

(g) The right to just and favourable conditions of work; k/

(h) The right not to be subjected to torture, or other cruel, inhuman or degrading treatment or punishment. l/

Article 4

States should condemn violence against women and should not invoke any custom, tradition or religious consideration to avoid their obligations with respect to its elimination. States should pursue by all appropriate means and without delay a policy of eliminating violence against women and, to this end, should:

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f/ Universal Declaration of Human Rights, article 3; and International Covenant on Civil and Political Rights, article 6.

g/ International Covenant on Civil and Political Rights, article 26.

h/ Universal Declaration of Human Rights, article 3; and International Covenant on Civil and Political Rights, article 9.

i/ International Covenant on Civil and Political Rights, article 26.

j/ International Covenant on Economic, Social and Cultural Rights, article 12.

k/ Universal Declaration of Human Rights, article 23; and International Covenant on Economic, Social and Cultural Rights, articles 6 and 7.

l/ Universal Declaration of Human Rights, article 5; International Covenant on Civil and Political Rights, article 7; and Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.

(a) Consider, where they have not yet done so, ratifying or acceding to the Convention on the Elimination of All Forms of Discrimination against Women or withdrawing reservations to that Convention;

(b) Refrain from engaging in violence against women;

(c) Exercise due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women, whether those acts are perpetrated by the State or by private persons;

(d) Develop penal, civil, labour and administrative sanctions in domestic legislation to punish and redress the wrongs caused to women who are subjected to violence; women who are subjected to violence should be provided with access to the mechanisms of justice and, as provided for by national legislation, to just and effective remedies for the harm that they have suffered; States should also inform women of their rights in seeking redress through such mechanisms;

(e) Consider the possibility of developing national plans of action to promote the protection of women against any form of violence, or to include provisions for this purpose in plans already existing, taking into account, as appropriate, such cooperation as can be provided by non-governmental organizations, particularly those concerned with this subject;

(f) Develop, in a comprehensive way, preventive approaches and all those measures of a legal, political, administrative and cultural nature that promote the protection of women against any form of violence, and ensure that the re-victimization of women does not occur because of gender-insensitive laws, enforcement practices or other interventions;

(g) Work to ensure, to the maximum extent feasible in the light of their available resources and, where needed, within the framework of international cooperation, that women subjected to violence and, where appropriate, their children have specialized assistance, such as rehabilitation, assistance in child care and maintenance, treatment, counselling, health and social services, facilities and programmes, as well as support structures, and should take all other appropriate measures to promote their safety and physical and psychological rehabilitation;

(h) Include in government budgets adequate resources for their activities related to the elimination of violence against women;

(i) Take measures to ensure that law enforcement officers and public officials responsible for implementing policies to prevent, investigate and punish violence against women receive training to sensitize them to the needs of women;

(j) Adopt all appropriate measures, especially in the field of education, to modify the social and cultural patterns of conduct of men and women and to eliminate prejudices, customary practices and all other practices based on the idea of the inferiority or superiority of either of the sexes and on stereotyped roles for men and women;

(k) Promote research, collect data and compile statistics, especially concerning domestic violence, relating to the prevalence of different forms of violence against women and encourage research on the causes, nature,

seriousness and consequences of violence against women and on the effectiveness of measures implemented to prevent and redress violence against women; these statistics and findings of the research will be made public;

(l) Adopt measures directed to the elimination of violence against women who are especially vulnerable to violence;

(m) Include, in submitting reports as required under relevant human rights instruments of the United Nations, information pertaining to violence against women and measures taken to implement the present Declaration;

(n) Encourage the development of appropriate guidelines to assist in the implementation of the principles set forth in the present Declaration;

(o) Recognize the important role of the women's movement and non-governmental organizations worldwide in raising awareness and alleviating the problem of violence against women;

(p) Facilitate and enhance the work of the women's movement and non-governmental organizations and should cooperate with them at local, national and regional levels;

(q) Encourage intergovernmental regional organizations of which they are members to include the elimination of violence against women in their programmes, as appropriate.

Article 5

The organs and specialized agencies of the United Nations system should, within their respective fields of competence, contribute to the recognition and realization of the rights and the principles set forth in the present Declaration, and to this end should, inter alia:

(a) Foster international and regional cooperation with a view to defining regional strategies for combating violence, exchanging experiences and financing programmes relating to the elimination of violence against women;

(b) Promote meetings and seminars with the aim of creating and raising the awareness among all persons in respect of the issue of the elimination of violence against women;

(c) Foster coordination and exchange within the United Nations system between human rights treaty bodies to effectively address the matter;

(d) Include in analyses prepared by bodies and agencies of the United Nations system of social trends and problems, such as the periodic reports on the world social situation, examination of trends in violence against women;

(e) Encourage coordination between bodies and agencies of the United Nations system to incorporate the issue of violence against women into ongoing programmes, particularly with reference to groups of women particularly vulnerable to violence;

(f) Promote the formulation of guidelines or manuals relating to violence against women, taking into account the measures mentioned herein;

(g) Consider the issue of the elimination of violence against women, as appropriate, in fulfilling their mandates including with respect to the implementation of human rights instruments;

(h) Cooperate with non-governmental organizations in addressing violence against women.

Article 6

Nothing in the present Declaration shall affect any provision that is more conducive to the elimination of violence against women that may be contained in the legislation of a State or in any international convention, treaty or other instrument in force in a State.

Appendix II

LIST OF PARTICIPANTS

Members

Austria

Richard Wotava, Ewald Jäger, Dorothea Gaudart, Birgit Stimmer, Karin Proidl, Barbara Göth, Christine Moser

Brazil

Marila Sardenberg Zelner Gonçalves

Bulgaria

Vladimir Sotirov, Rossen Popov

Canada

Charlotte Clouthier, Stephen Moran, Barbara McKenzie, Kerry Buck

Chile

Graciela Arancibia Gutiérrez

China

Du Yong, Lin Chongfei, Zhang Hui

Colombia

Maria Teresa Betancur de Gonzalez, Astrid Valladares, Rosa Bernal

Czechoslovakia

Jan Prusak

Ecuador

Ximena Verdesoto, Leonardo Arizaga Schmegel

Egypt

Mervat Tallawy

Finland

Pirkko Koviaho, Merja Lindroos-Binham

France

Pierette Biraud

India

Margaret Alva, B. S. Prakash, D. R. Pradhan

Indonesia

Ghaffar Fadyl, I. Gusti, A. W. Puja

Iran (Islamic Republic of)

Mehdi Mirafzal, Esmaeil Afshari

Italy

Tina Anselmi, Alberto Schepisi, Fancesco di Maggio

Japan

Makiko Sakai, Kunio Nakamura, Satoru Miyata, Harumi Katsumata

Madagascar

Clarisse Andriamandamitsoa

Mexico

Julían Ventura Valero

Netherlands

Joke Swiebel, H. J. Regeur, Ben Bassink, Margriet Landman

Nigeria

Ahmed Inusa

Peru

Amanda Schenone

Philippines

Linglingay F. Lacanlale

Poland

Ireneusz Matela, Ewa Calczynska, Stefan Hatys

Rwanda

Louise Antoinette Mukasine

Spain

Carlota Bustelo García del Real, Aurelio Fernàndez

Sudan

Ali Khalid El Hussein, Abdalla Wadi, Rabab Osman Elgineid, Egbal Khidi

Thailand

Sarikan Sirirat

United States of America

Jane E. Becker, John Knox, Eric E. Svendsen, Crayon C. Efird, Jr.

Venezuela

María Cristina Para de Rojas, Jacqueline Petersen

States Members of the United Nations represented by observers

Algeria, Australia, Belgium, Burkina Faso, Cuba, Germany, Greece, Iraq, Lebanon, New Zealand, Nicaragua, Norway, Panama, Portugal, Sweden, Turkey, United Kingdom of Great Britain and Northern Ireland, Yemen.

Non-member States represented by observers

Holy See

Specialized agencies of the United Nations

International Labour Organisation, World Health Organization

Liberation movements

African National Congress

Non-governmental organizations

Category I: International Federation of Business and Professional Women, Soroptimist International, Women's International Democratic Federation, Zonta International

Category II: Association for the Study of World Refugee Problem, Bahá'í International Community, Disabled Peoples' International, International Abolitionist Federation, International Council of Jewish Women, International Federation of University Women, International Human Rights Law Group, Pax Romana (International Catholic Movement for Intellectual and Cultural Affairs) (International Movement of Catholic Students), World Federation of Methodist Women, World Union of Catholic Women's Organizations

Roster: European Union of Women